

REMARKS

The Examiner has objected to the abstract and the specification. In response, the abstract and the specification have been amended accordingly.

The Examiner has further rejected Claims 1-9 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Such rejection has been overcome with the clarifications made to the claims above.

The Examiner has also rejected Claims 1 and 10 under 35 U.S.C. 103(a) as being unpatentable over Gleichauf et al. (6,499,107). The Examiner has further rejected Claims 1 - 13 under 35 U.S.C. 103(a) as being unpatentable over McCreery et al. (5,787,253). The Examiner has further rejected Claims 1 - 13 under 35 U.S.C. 103(a) as being unpatentable over Abromavage et al. (WO 00/68811).

In each rejection, the Examiner has admitted that the references do not specifically teach the step of sending one or more messages to the second analyzer responsive to unsuccessful session reconstruction on the first analyzer, and that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to send a message because doing so would increase the efficiency of the system by avoiding analyzing the data packet further if it could not pass the first analyzer.

Applicant respectfully disagrees with this assertion, especially since such aspect of the claimed invention provides such paramount benefits. To further emphasize the aspect which the Examiner has failed to show in the prior art, applicant has amended each of the independent claims to recite:

“wherein the one or more messages from the first analyzer to the second analyzer comprise packets received by the first analyzer which are unrecognized, and the second analyzer recognizes the unrecognized packets to successfully reconstruct the session.” (or similar language)

By this unique feature, applicant’s claimed invention is capable of better dealing with unrecognized packets by sending them to another analyzer for recognizing the unrecognized packets to successfully reconstruct the session. Applicant contends that simply nowhere in the prior art is there such a multi-analyzer technique, as specifically claimed, for improved session reconstruction.

It appears that the Examiner is invoking Official Notice, in that there has been no showing of the above claimed feature in the prior art. Applicant respectfully requests a specific prior art showing of the exact claim limitations above, or a notice of allowance.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. For payment of the fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. XACTP016).

Respectfully submitted,
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